

REMARKS

Claims 3-7, 16-18 and 23-30 are pending in this application, of which claims 3, 16 and 28-30 are in independent form. Claim 3 and 16 have been amended. Claims 21 and 22 have been canceled. New claims 23-30 have been added. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. §102(b)/102(e)

Claims 3-5, 7 and 16-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. D494,083 to Mehta (“the Mehta ‘083 patent”). Applicant has amended claims 3 and 16 to more clearly define Applicants’ invention. Claims 3 and 16 recite “each pavilion main facet extends from said girdle to said culet” and “adjacent pavilion main facets have different widths.”

Applicant respectfully submits that the Mehta ‘083 patent does not disclose, teach or suggest all of the limitations of claims 3 and 16. Specifically, there is no disclosure, teaching or suggestion in the Mehta ‘083 patent of pavilion main facets which extend from the girdle to the culet and adjacent pavilion main facets having different widths.

Claims 3, 7, 16, 21 and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. D490,014 to Mehta (“the Mehta ‘014 patent”). Claims 3, 7, 16, 21 and 22 were also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. D141,259 to Fine (“the Fine ‘259 patent”). Claims 21 and 22 have been canceled for reasons unrelated to patentability. Accordingly, the rejection of claims 21 and 22 is moot.

Applicant respectfully submits that neither the Mehta ‘014 patent nor the Fine ‘259 patent discloses, teaches or suggests all of the limitations of claims 3 and 16. Specifically, there is no disclosure, teaching or suggestion in the Mehta ‘014 patent or the Fine ‘259 patent of pavilion main facets which extend from the girdle to the culet and adjacent pavilion main facets having different widths.

As all the features recited in independent claims 3 and 16, as amended, are not disclosed, taught or suggested by the Mehta '083 patent, the Mehta '014 patent or the Fine '259 patent, Applicant submits that these claims are allowable over the Mehta '083 patent, the Mehta '014 patent or the Fine '259 patent. Dependent claims 4, 5, 7, 17 and 18 depend from independent claims 3 and 16, and are allowable for at least the same reasons as discussed above in connection with claims 3 and 16.

Rejection Under 35 U.S.C. §103(a)

Dependent claim 6 was rejected under 35 U.S.C. §103(a) over the Mehta '014 patent in view of U.S. Patent No. D488,740 to Freund ("the Freund '740 patent"). Dependent claim 6 depends from independent claim 3 and is allowable for at least the same reasons as discussed above in connection with claim 3. Therefore, the rejection under 35 U.S.C. §103(a) over the Mehta '014 patent in view of the Freund '740 patent is moot.

New Claims 23-30

New claims 23-29 have been added. No new matter has been added as the new claims are supported by the specification as originally filed.

Dependent claims 23-27 depend from independent claims 3 and 16, and are allowable for at least the same reasons as discussed above in connection with claims 3 and 16.

Claims 28 and 29 recite "a first pavilion main facet has a first vertex at said culet and a first angle at said first vertex, and a second pavilion main facet, which is adjacent said first pavilion main facet, has a second vertex at said culet and a second angle at said second vertex such that said first angle is greater than said second angle." Neither the Mehta '083 patent, the Mehta '014 patent, the Fine '259 patent nor the Freund '740 patent discloses, teaches or suggests all of the limitations of claims 28 and 29. Specifically, there is no disclosure, teaching or suggestion in the Mehta '083 patent, the Mehta '014 patent, the Fine '259 patent

or the Freund '740 patent of adjacent pavilion main facets having vertices at the culet with different angles.

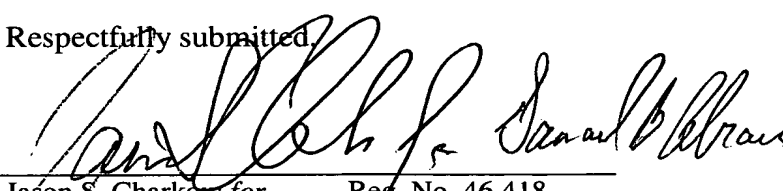
Claim 30 recites "each pavilion main facet has a dimension which increases from said girdle towards said culet, and wherein adjacent pavilion main facets have different widths." Neither the Mehta '083 patent, the Mehta '014 patent, the Fine '259 patent nor the Freund '740 patent discloses, teaches or suggests all of the limitations of claim 30. Specifically, there is no disclosure, teaching or suggestion in the Mehta '083 patent, the Mehta '014 patent, the Fine '259 patent or the Freund '740 patent of pavilion main facets having a dimension increasing from the girdle towards the culet and adjacent pavilion main facets having different widths.

In light of Applicant's amendments and remarks, a notice of allowance is respectfully requested. Should the examiner have any questions or concerns regarding this amendment or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

No fee is believed due for this submission. However, should any fee be required, please charge all such fees to Jones Day Deposit Account No. 503013.

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